

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15726. Adulteration and misbranding of butter. U. S. v. Pioneer Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18305. I. S. Nos. 2280-v, 4537-v.)**

On March 15, 1924, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pioneer Creamery Company, a corporation, Galesburg, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 28, 1923, from the State of Illinois into the State of New York, and on or about July 19, 1923, from the State of Illinois into the State of Ohio, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: "Creamery Butter," and "One Pound Net."

Adulteration was alleged in the information, with respect to the portion of the product shipped into New York, for the reason that a product deficient in milk fat and which contained excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding of the said portion was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but did consist of a product deficient in milk fat, and which contained excessive moisture.

Misbranding of the product shipped into Ohio was alleged for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of the article, but did contain a less amount. Misbranding of the said portion was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15727. Misbranding of meat scraps. U. S. v. 1200 Sacks of Meat. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22444. I. S. Nos. 17295-x, 17291-x. S. No. 545.)**

On February 9, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1200 sacks of meat, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Van Iderstine Co., from New York, N. Y., July 31, 1927, and transported from the State of New York into the State of Washington, and charging misbranding in violation of the food and drugs act. The article was labeled in part: " \* \* \* High Protein Meat Scraps Vico for Poultry Guaranteed analysis Protein Minimum 55% \* \* \* Phos. Acid Maximum 10% Manufactured by The Van Iderstine Company, Long Island City, New York V. Seattle."

It was alleged in the libel that the article was misbranded in that the statements, "Protein Minimum 55%," and "Phos. Acid Maximum 10%," borne on the label, were false and misleading, and deceived and misled the purchaser thereof.

On February 23, 1928, The Van Iderstine Co., Long Island City, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant

upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15728. Adulteration of walnut meats. U. S. v. 100 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22453. I. S. No. 17477-x. S. No. 566.)**

On February 11, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the L. Demartini Supply Co., San Francisco, Calif., January 28, 1928, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Standard Amber Meats \* \* \* From L. Demartini Supply Co. San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 1, 1928, the L. Demartini Supply Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15729. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22669. I. S. No. 21680-x. S. No. 671.)**

On March 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 28, 1928, alleging that the article had been shipped by the Gulf Road Cooperative Creamery, Randolph, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress, approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15730. Adulteration of mission figs. U. S. v. 65 Boxes of Black Mission Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22409. I. S. No. 23625-x. S. No. 500.)**

On January 31, 1928, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 boxes of black mission figs, at Waterloo, Iowa, alleging that the article had been shipped by the Sunland Sales Cooperative Association from Fresno, Calif., on or about October 28, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs Produced and Packed by California Peach and Fig Growers, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a wormy, filthy, decomposed, and putrid vegetable substance.